



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS,
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,359	02/15/2002	Peter J. Spransy	4764US	2495

24247 7590 04/05/2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,359

Applicant(s)

SPRANSY ET AL.

Examiner

Yvonne M. Horton

Art Unit

3635

Mh

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-3,5-12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-12,17-20,22 and 23 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Withdrawal of Allowable Subject Matter

The indicated allowability of claims 9 and 10 is withdrawn in view of the newly discovered reference(s) to LOPEZ. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,5-8,17-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,497,148 to LOPEZ. LOPEZ discloses a panel assembly including first and second panels (14) having first and second passageways (colored red), see the marked attachment, wherein the first passageway defines a slot (colored blue) that communicates with an environment between members (16,18), a connection member (20,22) including a first elongate member (20) with a threaded opening (58,60) and a second elongate member (22) having an abutment area (54,56) and an interconnection member (24) that interconnects the first (20) and second (22) connection members when the members (20,22) are slid, column 4, line 65 within the passageway (colored red) such that the interconnection member (24) adjusts the spatial orientation between the first (20) and second (22) connection members by having the first (20) and second (22) members expand for an inherent pressure-fit, column 4, line 67 to column 5, line 7. Regarding claim 5, the first interconnection member (24) operates to laterally adjust the lateral spacing between the first (20) and second (22)

Art Unit: 3635

elongate member. In reference to claim 6, the longitudinal axes of the first (20) and second (22) elongate members are parallel. Regarding claim 7, the first interconnection member (24) is operative to adjust the spacing of the longitudinal axis of the first (20) and second (22) elongate members. In reference to claim 8, prior to placement and after removal of the covers (26,28), the first interconnection member (24) is accessible through the slot (colored blue). Regarding claim 18, the panels (14) each have first (S1) and second (S2) surfaces oriented in first and second directions (not labeled), see the marked attachment. In reference to claim 19, the first passageways (colored red) are formed by a hollow extrusion (16,18). Regarding claim 20, the slot (colored blue) is defined by respective first and second surfaces (see figure 3) of the members (16,18). In reference to claim 22, the second panel (14) defines a secondary slot (colored blue) that communicates with a second passageway (colored red).

Claims 9,12 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,497,148 to LOPEZ. LOPEZ discloses a panel assembly including first and second panels (14) having first and second passageways (colored red), see the marked attachment, wherein the first passageway defines a slot (colored blue) that communicates with an environment between members (16,18), a connection member (20,22) including a first elongate member (20) and a second elongate member (22) and first and second interconnection members (24) that interconnects the first (20) and second (22) connection members when the members (20,22) are slid, column 4, line 65 within the passageway (colored red) such that the interconnection member (24) adjusts the spatial orientation between the first (20) and second (22) connection members by

Art Unit: 3635

having the first (20) and second (22) members expand for an inherent pressure-fit, column 4, line 67 to column 5, line 7. Regarding claim 12, the length of the slot (colored blue) is larger than the distance between the first and second (24) interconnection members. In reference to claim 23, the second panel (14) defines a second slot (colored blue) that communicates with a second passageway (colored red).

Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,497,148 to LOPEZ. LOPEZ discloses a panel assembly including first and second panels (14) having first and second passageways (colored red), see the marked attachment, wherein the first passageway defines a slot (colored blue) that communicates with an environment between members (16,18), a connection member (20,22) including a first elongate member (20) with a threaded opening (58,60) and a second elongate member (22) having an abutment area (54,56) and first and second interconnection members (24) that interconnects the first (20) and second (22) connection members when the members (20,22) are slid, column 4, line 65 within the passageway (colored red) such that the interconnection member (24) adjusts the spatial orientation between the first (20) and second (22) connection members by having the first (20) and second (22) members expand for an inherent pressure-fit, column 4, line 67 to column 5, line 7. The first and second interconnection members (24), prior to placement and after removal of the covers (26,28), are accessible through the slot (colored blue). Regarding claim 11, the first interconnection member (24) is positioned higher than the second interconnection member (24).

Claim Rejections - 35 USC § 103

Art Unit: 3635

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,497,148 to LOPEZ. LOPEZ discloses the basic claimed panel assembly except for explicitly detailing the use of a plurality of first and second panels. Although LOPEZ is silent in the regard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of LOPEZ with additional panels since the mere duplication of essential parts of an invention involves only routine skill in the art.

Allowable Subject Matter

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-16 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Art Unit: 3635

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH

March 29, 2004



